

# EXHIBIT 103

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MARVEL WORLDWIDE, INC.,                     )  
MARVEL CHARACTERS, INC.,                     )  
and MVL RIGHTS, LLC,                     )  
                                                           )  
                                                           ) Plaintiffs,                     )  
                                                           ) Case No.  
vs.                     ) 10-141-CMKF  
                                                           )  
LISA R. KIRBY, BARBARA J.                     )  
KIRBY, NEAL L. KIRBY, and                     )  
SUSAN N. KIRBY,                     )  
                                                           )  
                                                           ) Defendants.                     )  
-----)

PARTIALLY CONFIDENTIAL  
PURSUANT TO PROTECTIVE ORDER  
(Pages 66 through 70)  
VIDEOTAPED DEPOSITION OF LAWRENCE LIEBER  
New York, New York  
January 7, 2011

Reported by:  
KATHY S. KLEPFER, RMR, RPR, CRR, CLR  
JOB NO. 35338

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1  
2 January 7, 2011  
3

4 Partially confidential videotaped  
5 deposition of LAWRENCE LIEBER, held at  
6 Weil Gotshal & Manges, 767 Fifth Avenue,  
7 New York, New York, before Kathy S. Klepfer,  
8 a Registered Professional Reporter, Registered  
9 Merit Reporter, Certified Realtime Reporter,  
10 Certified Livenote Reporter, and Notary Public  
11 of the State of New York.  
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Page 3

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2 A P P E A R A N C E S:  
3

4 WEIL, GOTSHAL & MANGES  
5 Attorneys for Plaintiffs  
6 767 Fifth Avenue  
7 New York, New York 10153  
8 BY: RANDI W. SINGER, ESQ.  
9 SABRINA A. PERELMAN, ESQ.  
10

11 TOBEROFF & ASSOCIATES  
12 Attorneys for the Defendants  
13 2049 Century Park East, Suite 2720  
14 Los Angeles, California 90067  
15 BY: MARC TOBEROFF, ESQ.  
16  
17

18 ALSO PRESENT:  
19 ELI BARD, Marvel Entertainment  
20 MATTHEW SMITH, Legal Video Specialist  
21  
22  
23  
24  
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Page 4

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3 IT IS HEREBY STIPULATED AND  
4 AGREED, by and between the attorneys for  
5 the respective parties herein, that the  
6 filing and sealing be and the same are  
7 hereby waived.  
8

9 IT IS FURTHER STIPULATED AND  
10 AGREED that all objections, except as to  
11 the form of the question, shall be  
12 reserved to the time of the trial.  
13

14 IT IS FURTHER STIPULATED AND  
15 AGREED that the within deposition may be  
16 sworn to and signed before any officer  
17 authorized to administer an oath, with  
18 the same force and effect as if signed  
19 and sworn to before the Court.  
20  
21  
22  
23  
24  
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Page 5

1 L. Lieber

2 THE VIDEOGRAPHER: This begins tape  
3 labeled number 1 of the videotaped  
4 deposition of Lawrence Lieber in the matter  
5 of Marvel Worldwide, Incorporated, et al. v.  
6 Lisa R. Kirby, et al., in the United States  
7 District Court, Southern District of New  
8 York, Case Number 10-141-CMKF.  
9

10 This deposition is being held at 767  
11 Fifth Avenue in New York, New York, on  
12 January 7, 2011 at approximately 11:09 A.M.  
13 My name is Matthew Smith for TSG Reporting,  
14 Incorporated, and I am the legal video  
15 specialist. The court reporter is Kathy  
16 Klepfer, in association with TSG Reporting.  
17

18 Will counsel please introduce yourself  
19 for the record?  
20

21 MS. SINGER: Randi Singer of Weil  
22 Gotshal for plaintiffs Marvel Worldwide.  
23 With me is my colleagues Sabrina Perelman,  
24 also of Weil Gotshal.  
25

MR. BARD: Eli Bard, Deputy General  
Counsel, Marvel Entertainment.

MR. TOBEROFF: Marc Toberoff, Toberoff  
& Associates, for the Kirby family.

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| Page 6                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Page 7                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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| <p>1 L. Lieber<br/>2 THE VIDEOGRAPHER: And will the court<br/>3 reporter please swear in the witness?<br/>4 * * *<br/>5 LAWRENCE LIEBER, called as a<br/>6 witness, having been duly sworn by a Notary<br/>7 Public, was examined and testified as<br/>8 follows:<br/>9 EXAMINATION BY<br/>10 MS. SINGER:<br/>11 Q. Good morning, Mr. Lieber.<br/>12 A. Good morning.<br/>13 Q. Have you ever been deposed before?<br/>14 A. No.<br/>15 Q. Okay. Just a couple of ground rules.<br/>16 You have to give, when I ask you a question, you<br/>17 have to give a verbal answer so that she can<br/>18 write it down because she can't get nods of your<br/>19 head or anything like that. So you have to say<br/>20 "yes" or "no" or words.<br/>21 A. Uh-huh.<br/>22 Q. If you don't understand any of my<br/>23 questions, please feel free to ask me to<br/>24 rephrase or ask for clarification. Okay?<br/>25 A. (Witness nods.)</p>                                                                                                                                                                                                                                                                                 | <p>1 L. Lieber<br/>2 Q. If you need a break at any time, just<br/>3 let us know. Okay?<br/>4 A. (Witness nods.) Yes.<br/>5 Q. Mr. Lieber, could you just very<br/>6 briefly tell us your personal background, your<br/>7 age, your education, where you were born?<br/>8 A. Well, I'm 79 years old. I was born in<br/>9 New York City, grew up in the Bronx in<br/>10 Washington Heights. And I was in the service<br/>11 about the age of, I think, 19 for four years in<br/>12 the air force. Came out. I don't know, I lived<br/>13 in Long Island with relatives, and then I lived<br/>14 in, down in Tudor City when I started working<br/>15 for Marvel, actually. That was in 1958.<br/>16 Q. Okay.<br/>17 A. And I worked for them from I guess, I<br/>18 don't know how many years. For the past 23<br/>19 years I know I've been working just on a<br/>20 newspaper strip for my brother, Stan Lee, and so<br/>21 I haven't been actually working for Marvel.<br/>22 Q. Okay.<br/>23 A. He pays me.<br/>24 Q. Okay.<br/>25 A. And it's been I think 23 years, I</p> |
| Page 8                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Page 9                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <p>1 L. Lieber<br/>2 said. And I don't do any other work. I'm a --<br/>3 I've been a freelancer most of my life, but it<br/>4 seems that I've only had one company to work for<br/>5 or one person. I haven't been working for<br/>6 different companies. And that's ...<br/>7 Q. Okay. Do you recall --<br/>8 A. And I've lived at the same address<br/>9 since 1963, the same apartment.<br/>10 Q. Do you recall approximately when the<br/>11 last time you did work for Marvel was?<br/>12 A. That's hard. Well, I'd have to go --<br/>13 I would say, I would say if you go back 23 years<br/>14 and take a couple years before that, I guess. I<br/>15 didn't do much for them for quite a period of<br/>16 time.<br/>17 When my brother went out, he was -- he<br/>18 was the head of Marvel in the city here and then<br/>19 he went out to California. When he went out to<br/>20 California, Marvel got a new editor, Jim<br/>21 Shooter. I did some work for Jim Shooter, some<br/>22 inventory stories, a couple. I didn't do much<br/>23 work. I really wasn't working much. And I may<br/>24 have done some covers at the beginning and then<br/>25 a few inventory stories, and then I -- I don't</p> | <p>1 L. Lieber<br/>2 remember.<br/>3 I -- I know I was doing, sometime<br/>4 back, I did The Hulk newspaper strip. That<br/>5 started out with my brother writing it and me<br/>6 drawing it, penciling it, and it didn't do well<br/>7 and he finally said I could write it, and I<br/>8 wrote that for a while. But it didn't last too<br/>9 long and but I don't remember when these things<br/>10 were.<br/>11 Q. Okay. We're going to focus today on<br/>12 the period from 1958 to 1965, so that's fine.<br/>13 A. Uh-huh.<br/>14 Q. I think you mentioned that you started<br/>15 working at Marvel in about 1958?<br/>16 A. I could tell you, yeah, it was -- it<br/>17 was -- well, I remember the date. This I happen<br/>18 to remember. June, the end of June.<br/>19 Q. Okay.<br/>20 A. About then, yeah. '58.<br/>21 Q. And how did you come to work for<br/>22 Marvel?<br/>23 A. Stan offered me -- I had to earn a<br/>24 living. I had been living with relatives and I<br/>25 was going to the Art Students League studying</p>                             |

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1 L. Lieber

2 Q. Other than Marvel's attorneys, did --  
3 who else did you speak with regarding this  
4 lawsuit?5 A. Well, I spoke with my brother, Stan  
6 Lee.7 Q. And when was the first time you spoke  
8 with your brother?9 A. I don't recall, but I -- I spoke with  
10 him after I was -- I know after I was first  
11 approached and asked to come down and talk about  
12 the past.13 Q. This was after you were approached and  
14 you testified --

15 A. After the phone call.

16 Q. And you testified that you declined;  
17 is that correct?

18 A. Yes. Yes.

19 Q. And then you got a call from your  
20 brother?21 A. No, I talked -- I speak with him every  
22 week to -- to go over my work. I have to send  
23 my work to him, so while I was speaking to him,  
24 I mentioned it.

25 Q. And what did you say to him?

1 L. Lieber

2 A. I told him what had happened and, you  
3 know, the call, and I told him I declined.

4 Q. And what did he say to you?

5 A. He didn't tell me I shouldn't, but he  
6 sort of said, "Well, I hope you don't lose the  
7 strip because of it or something."8 Q. And he was referring, when he said, "I  
9 hope you don't lose the strip because of this,"  
10 he was referring to your work on the Spider-Man  
11 strip?

12 A. Yes.

13 Q. Is that, is your work on the  
14 Spider-Man strip your sole means of livelihood?

15 A. Yes.

16 Q. And has it been your sole means of  
17 livelihood for the past I think you testified 23  
18 years?

19 A. Yes.

20 Q. Did you speak to your -- I think you  
21 mentioned did you speak to your brother Stan  
22 about your testifying in this case again after  
23 that?

24 A. Yes. I told him --

25 Q. When was that?

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Page 61

1 L. Lieber

2 A. Let's see, I told him that I had  
3 finally -- the second time I got the phone call,  
4 I spoke to him, and this time I told him I  
5 decided to go down and talk to the lawyers for  
6 Marvel or Disney. And I told him I was nervous  
7 about it, and he said not to be, just tell the  
8 truth, don't worry about anything. He was  
9 reassuring, or tried to be.10 Q. Now, at your first meeting with  
11 Marvel's attorneys, to the best of your  
12 recollection -- and I don't need exact quotes --  
13 what did Marvel's attorneys tell you?14 A. I don't recall them telling me except  
15 asking me questions not as specific as today,  
16 but similar, in general, how I worked and what  
17 it was like and so on. I don't remember the  
18 exact questions or -- or -- other than what they  
19 asked was similar to what I've been asked in the  
20 interviews, and my answers were similar to what  
21 I've given in interviews and what I gave today.  
22 I feel like they're all the same.23 Q. And did Marvel's attorneys in any  
24 respect characterize claims made by the Kirby  
25 family in any respects?

1 L. Lieber

2 MS. SINGER: I object to that on  
3 grounds of privilege.

4 MR. TOBEROFF: You can answer.

5 A. When I first came into the room, the  
6 gentleman lawyer who is not present today, who  
7 was present then, I think he spoke about it as a  
8 claim that, I don't know, I got the impression  
9 that it was sort of unjustified what Kirby was  
10 claiming and that, I don't know, that he was --  
11 can I put it that Kirby was treated fairly,  
12 there was nothing done wrong or that they know,  
13 but they were pressing it. This was the  
14 impression I got.15 Q. Characterizing the claims in the Kirby  
16 lawsuit as being unjustified?

17 MS. SINGER: Objection.

18 A. I think so. That was the --  
19 I'm sorry.20 MS. SINGER: I objected to the  
21 question.

22 A. That was the impression I had.

23 Q. Anything else you can recall in that  
24 respect?

25 A. In that respect, no. No. Nothing

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| Page 62                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Page 63                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1 L. Lieber</p> <p>2 else.</p> <p>3 Q. Now, at the meeting this morning</p> <p>4 before the deposition, what do you recall was</p> <p>5 said to you?</p> <p>6 A. My mind...</p> <p>7 Just to answer the questions, as I</p> <p>8 think you said, you know, be specific, and</p> <p>9 something about there may be objections. And</p> <p>10 that made me nervous about objections. I</p> <p>11 thought I'm in a conflict. But then I got I</p> <p>12 think reassured that it had nothing to do with</p> <p>13 me that much and I could still answer or not</p> <p>14 answer, and I said I wanted to answer everybody</p> <p>15 who's asking me the question. And other than</p> <p>16 that, I don't recall much more.</p> <p>17 Q. Now, the first meeting you had at</p> <p>18 these law offices with Marvel's attorneys, how</p> <p>19 long did that meeting last, approximately?</p> <p>20 A. I think it was a couple hours. I'm</p> <p>21 not...</p> <p>22 Q. And at that first meeting with</p> <p>23 Marvel's attorneys, did you bring any documents</p> <p>24 to the meeting?</p> <p>25 A. No.</p> | <p>1 L. Lieber</p> <p>2 Q. Were you shown any documents at that</p> <p>3 meeting?</p> <p>4 A. No. I don't believe so.</p> <p>5 Q. And at the second meeting this</p> <p>6 morning, were you shown any documents?</p> <p>7 A. No, I don't -- I don't believe so.</p> <p>8 Not until here, no.</p> <p>9 Q. Not until the deposition?</p> <p>10 A. Yes.</p> <p>11 Q. Did you speak with, other than</p> <p>12 Marvel's attorneys and -- and your brother Stan</p> <p>13 Lee, did you speak with anyone else regarding</p> <p>14 this lawsuit?</p> <p>15 A. Well, the woman in my life who I live</p> <p>16 with, we talk about it.</p> <p>17 Q. I understand. Other than her?</p> <p>18 A. I did. I have a friend who is a</p> <p>19 lawyer, and we've been friends for years, and I</p> <p>20 told him about the situation when I was asked to</p> <p>21 come down. And he asked me if I want to have a</p> <p>22 lawyer go with me. He said you have a right or</p> <p>23 something. And I said, no, I don't want</p> <p>24 anybody. My only intention is to go down and</p> <p>25 tell the truth as I know it.</p> |
| Page 64                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Page 65                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <p>1 L. Lieber</p> <p>2 I don't -- if I'm nervous about it,</p> <p>3 that's just me, but I'm not -- I'm not going</p> <p>4 down as a defendant or being accused of</p> <p>5 anything.</p> <p>6 Q. And you didn't -- did you speak with</p> <p>7 anyone from the Walt Disney Company about this</p> <p>8 case?</p> <p>9 A. No. No. No.</p> <p>10 Q. Did you review any deposition</p> <p>11 transcripts of other witnesses in this case?</p> <p>12 A. No.</p> <p>13 Q. Did your brother Stan talk to you</p> <p>14 about his deposition?</p> <p>15 A. Yes. Well, he didn't talk about it.</p> <p>16 I happened to call him the day he came back from</p> <p>17 giving a deposition, and he said it took him</p> <p>18 seven hours and he was exhausted. And that was</p> <p>19 all he said about it. So, that's what...</p> <p>20 Q. Are you presently an employee with</p> <p>21 regard to the Spider-Man strips that you</p> <p>22 illustrate, or do you work freelance?</p> <p>23 A. I'm freelance. I'm freelance.</p> <p>24 Q. And you work for your brother Stan</p> <p>25 Lee, correct?</p>            | <p>1 L. Lieber</p> <p>2 A. Yes.</p> <p>3 Q. And you draw the art for the</p> <p>4 syndicated newspaper strip The Amazing</p> <p>5 Spider-Man?</p> <p>6 A. Yes, I draw what we call the dailies,</p> <p>7 Monday through Saturday. There's a Sunday page</p> <p>8 that's in color and somebody else draws that.</p> <p>9 Q. Who draws that?</p> <p>10 A. Saviuk his name is. All of a sudden,</p> <p>11 I can't think of his first name.</p> <p>12 Q. That's okay.</p> <p>13 A. And he draws that.</p> <p>14 Q. Do you have a contract?</p> <p>15 A. I'm sorry. Alex was his name. Alex</p> <p>16 Saviuk.</p> <p>17 Do I have a contract? No.</p> <p>18 (Pages 66 through 70 have been marked</p> <p>19 confidential pursuant to the protective order</p> <p>20 and will continue on the next page.)</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>                                                                                                                                                                                                                                                          |



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| Page 106                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Page 107                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1 L. Lieber</p> <p>2 That's the beginning of an article entitled</p> <p>3 "Kirby's Gamma Rays: Alpha to Omega!" Do you</p> <p>4 see that?</p> <p>5 A. I'm sorry, yes. I have the page, yes,</p> <p>6 "Kirby's Gamma Rays: Alpha to Omega!" Yes.</p> <p>7 Q. Now, when you turn to page 72</p> <p>8 through -- they're not all numbered, but 72</p> <p>9 through 74.</p> <p>10 A. Uh-huh.</p> <p>11 Q. Are those copies of --</p> <p>12 A. Yes.</p> <p>13 Q. -- these Hulk drawings that were</p> <p>14 ripped in half?</p> <p>15 A. Yes. Yes. Yes.</p> <p>16 Q. And the line appearing in these</p> <p>17 drawings is the place where, again, where they</p> <p>18 were ripped in half?</p> <p>19 A. Yes.</p> <p>20 Q. And did you supply these to the Kirby</p> <p>21 Collector for the purposes of this article?</p> <p>22 A. I don't believe so. I don't -- I</p> <p>23 didn't recall who or where I supplied them, and</p> <p>24 when I read them in the Kirby article, I was</p> <p>25 surprised and I thought, well, what is that</p>                                                                                                                         | <p>1 L. Lieber</p> <p>2 doing there? Don't I have them? And I -- I</p> <p>3 went and looked through and I found I have them.</p> <p>4 So I said, well, they're here, the originals, I</p> <p>5 must have. But when or where I don't know.</p> <p>6 I don't, again, my memory isn't good</p> <p>7 and I'm not always careful, so somebody I can</p> <p>8 assume must have asked me can I borrow them or</p> <p>9 take a picture of them or can I have them.</p> <p>10 Because these are stats of them here. And I</p> <p>11 must -- or Xeroxes. And either I gave them the</p> <p>12 copies or they took them and made copies and</p> <p>13 gave me back the originals. And who that</p> <p>14 person -- they were I don't know. It may have</p> <p>15 been the Kirby Collector or somebody before who</p> <p>16 gave them to the Kirby Collector. I don't know.</p> <p>17 Q. Okay. And were you interviewed in</p> <p>18 connection with this article about these</p> <p>19 drawings?</p> <p>20 A. No. No. It was just written here.</p> <p>21 (Lieber Exhibit 7, a document bearing</p> <p>22 Bates Nos. MARVEL0016570, marked for</p> <p>23 identification, as of this date.)</p> <p>24 MR. TOBEROFF: I would like to mark as</p> <p>25 Lieber Exhibit 7 an agreement dated June 14,</p> |
| Page 108                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Page 109                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <p>1 L. Lieber</p> <p>2 1978 between Larry Lieber and the Marvel</p> <p>3 Comics Group, a Division of Cadence</p> <p>4 Industries Corporation.</p> <p>5 Q. Mr. Lieber, do you have any</p> <p>6 recollection regarding the agreement that's been</p> <p>7 marked Lieber Exhibit 7?</p> <p>8 A. No. No.</p> <p>9 Q. Is that your signature at the bottom</p> <p>10 of the page?</p> <p>11 A. It looks like it, yes. Yes.</p> <p>12 (Lieber Exhibit 8, excerpts from Comic</p> <p>13 Book Marketplace No. 72, October 1999,</p> <p>14 marked for identification, as of this date.)</p> <p>15 (Lieber Exhibit 9, excerpts from Comic</p> <p>16 Book Marketplace No. 73, November 1999,</p> <p>17 marked for identification, as of this date.)</p> <p>18 MR. TOBEROFF: I would like to mark as</p> <p>19 Lieber Exhibit 8 excerpts from Comic Book</p> <p>20 Marketplace No. 72, October 1999; and mark,</p> <p>21 please, as Lieber Exhibit 9 excerpts from</p> <p>22 Comic Book Marketplace No. 73, November</p> <p>23 1999. Exhibit 8 and 9 comprise parts 1 and</p> <p>24 2 of an interview with Larry Lieber.</p> <p>25 Q. Turning to the third page in -- fourth</p> | <p>1 L. Lieber</p> <p>2 page in of Exhibit 8, is that, is that you on</p> <p>3 the cover there?</p> <p>4 A. Yes. Yes, I guess, yes.</p> <p>5 Q. It says, "Marvel's Mystery Man...</p> <p>6 Larry Lieber"?</p> <p>7 A. Yes, that must be me.</p> <p>8 Q. Did you give this interview?</p> <p>9 A. I don't remember giving it, but I must</p> <p>10 have.</p> <p>11 Q. Do you have any reason to believe you</p> <p>12 didn't give this interview?</p> <p>13 A. No. No. Sure. It sounds like me,</p> <p>14 all the details. Yeah, that's me. Must have.</p> <p>15 Hum. '99.</p> <p>16 MR. TOBEROFF: I have no further</p> <p>17 questions for the time being, depending on</p> <p>18 what questions you ask.</p> <p>19 MS. SINGER: I have just a couple</p> <p>20 of -- a couple of quick follow-up questions.</p> <p>21 FURTHER EXAMINATION BY</p> <p>22 MS. SINGER:</p> <p>23 Q. Mr. Lieber, did anyone at Marvel ever</p> <p>24 tell you that if you didn't speak with their</p> <p>25 lawyers, you would lose the strip?</p>                                                                                                                                                                                                                                                             |

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| Page 110                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Page 111                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1 L. Lieber</p> <p>2 A. No.</p> <p>3 Q. Did anyone at Marvel ever promise you</p> <p>4 more work or more money or anything if you gave</p> <p>5 a deposition or testified?</p> <p>6 A. No.</p> <p>7 Q. You spoke with Mr. Toberoff about a</p> <p>8 zombie story, a plot that you gave them, and</p> <p>9 there was an editor who made you redo it a</p> <p>10 couple of times. Who was that editor?</p> <p>11 A. Marv Wolfman.</p> <p>12 Q. Do you know approximately when that</p> <p>13 was?</p> <p>14 A. It was -- I did the -- I'm trying -- I</p> <p>15 figure in the '70s, probably, in the '70s. It</p> <p>16 was after I finished The Rawhide Kid, which I --</p> <p>17 I don't know when it was, and sometime after</p> <p>18 that.</p> <p>19 Q. Okay. Other than that, that zombie</p> <p>20 story with Mr. Wolfman, did you ever -- strike</p> <p>21 that. For the period 1958 to 1965, did you ever</p> <p>22 submit any work to Marvel that hadn't been</p> <p>23 assigned to you?</p> <p>24 A. No. No.</p> <p>25 MS. SINGER: I have no further</p> | <p>1 L. Lieber</p> <p>2 questions.</p> <p>3 I just want to make sure before we're</p> <p>4 done that we stipulate on the record that</p> <p>5 Mr. Lieber has appeared today in response to</p> <p>6 plaintiffs' subpoena and defendants'</p> <p>7 subpoena and that he's testified fully and</p> <p>8 that he is done, he has satisfied both</p> <p>9 subpoenas and he's done.</p> <p>10 MR. TOBEROFF: Well, I'll --</p> <p>11 MS. SINGER: Subject to whatever</p> <p>12 follow-up you have.</p> <p>13 MR. TOBEROFF: The "testified fully"</p> <p>14 part I don't know about, but that he's</p> <p>15 satisfied the subpoenas and we can conclude</p> <p>16 his deposition pursuant to those subpoenas,</p> <p>17 I agree.</p> <p>18 MS. SINGER: Fair enough. Okay. He</p> <p>19 doesn't have to come back for a deposition</p> <p>20 is my point.</p> <p>21 MR. TOBEROFF: Not -- not in</p> <p>22 connection with this action so far.</p> <p>23 MS. SINGER: Do you have any</p> <p>24 follow-up?</p> <p>25 MR. TOBEROFF: We're done. I'm done.</p>                           |
| Page 112                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Page 113                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <p>1 L. Lieber</p> <p>2 MS. SINGER: Okay.</p> <p>3 THE VIDEOGRAPHER: This concludes tape</p> <p>4 number 3 of 3 of the videotaped deposition</p> <p>5 of Lawrence Lieber. The time is 2:24 P.M.</p> <p>6 We are now off the record.</p> <p>7 oOo</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>LAWRENCE LIEBER</p> <p>Subscribed and sworn to</p> <p>before me this day</p> <p>of 2011.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p>1 L. Lieber</p> <p>2 CERTIFICATE</p> <p>3 STATE OF NEW YORK )</p> <p>4 : ss</p> <p>5 COUNTY OF NEW YORK)</p> <p>6 I, Kathy S. Klepfer, a Registered</p> <p>7 Merit Reporter and Notary Public within and</p> <p>8 for the State of New York, do hereby</p> <p>9 certify:</p> <p>10 That LAWRENCE LIEBER, the witness</p> <p>11 whose deposition is herein before set forth,</p> <p>12 was duly sworn by me and that such</p> <p>13 deposition is a true record of the testimony</p> <p>14 given by such witness.</p> <p>15 I further certify that I am not</p> <p>16 related to any of the parties to this action</p> <p>17 by blood or marriage and that I am in no way</p> <p>18 interested in the outcome of this matter.</p> <p>19 I further certify that neither the</p> <p>20 deponent nor a party requested a review of</p> <p>21 the transcript pursuant to Federal Rule of</p> <p>22 Civil Procedure 30(e) before the deposition</p> <p>23 was completed.</p> <p>24 In witness whereof, I have hereunto</p> <p>25 set my hand this 20th day of January, 2011.</p> |



Contains Confidential Portions

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| 12       | of Marvel Comics, by Stan Lee                   |        | 12       |                                                 |      |
| 13       | Exhibit 4, an excerpt from a magazine           | 98     | 13       |                                                 |      |
| 14       | entitled Five Fabulous Decades of the World's   |        | 14       |                                                 |      |
| 15       | Greatest Comics by Les Daniels                  |        | 15       |                                                 |      |
| 16       | Exhibit 5, reduced copies of six large pages    | 102    | 16       |                                                 |      |
| 17       | of drawings by Jack Kirby that were in the      |        | 17       |                                                 |      |
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| 19       | response to subpoena                            |        | 19       |                                                 |      |
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| 1        | L. Lieber                                       |        |          |                                                 |      |
| 2        | NAME OF CASE: Marvel v. Kirby, et al.           |        |          |                                                 |      |
| 3        | DATE OF DEPOSITION: January 7, 2011             |        |          |                                                 |      |
| 4        | NAME OF WITNESS: Lawrence Lieber                |        |          |                                                 |      |
| 5        | Reason Codes:                                   |        |          |                                                 |      |
| 6        | 1. To clarify the record.                       |        |          |                                                 |      |
| 7        | 2. To conform to the facts.                     |        |          |                                                 |      |
| 8        | 3. To correct transcription errors.             |        |          |                                                 |      |
| 9        | Page _____ Line _____ Reason _____              |        |          |                                                 |      |
| 10       | From _____ to _____                             |        |          |                                                 |      |
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